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United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Fillmore Field Office

95 East 500 North

Fillmore, UT 84631

<http://www.blm.gov/ut/st/en/fo/fillmore.html>



IN REPLY REFER TO:
3809 (UTW02000)
UTU-90029

RECEIVED

JAN 21 2014

DIV. OF OIL, GAS & MINING

January 13, 2014

CERTIFIED MAIL# 7012 3460 0000 6633 0809
RETURN RECEIPT REQUESTED

DECISION

| | | |
|------------------------|---|---|
| Dale Rogers | : | |
| P.O. Box 697 | : | 43 CFR 3809 - Surface Management Notice |
| Delta, Utah 84624-0697 | : | UTU-90229 |
| | : | |

Determination of Required Financial Guarantee Amount

Your proposed Notice for locatable minerals exploration was received by the Fillmore Field Office (FFO) of the Bureau of Land Management (BLM) on December 18, 2013. You were notified on December 30, 2013 that additional processing time would be required for your Notice, and that you would be sent a response by January 15, 2014. This letter grants your authorization to proceed with operations when you have been notified in writing that your full reclamation bond has been accepted and obligated.

Your proposed Notice site is located in aliquot parts of section 31, Township 13 South, Range 19 West, Salt Lake Meridian. Your proposed Notice has been assigned BLM case file number UTU-90229. Please refer to this number in future correspondence. The corresponding Utah Division of Oil, Gas and Mining (UDOGM) case file number is S/027/0109.

This exploration Notice is located on the site of a draft Plan of Operations previously submitted to the BLM on April 12, 2011 and submitted again in revised form on August 21, 2013. The proposed Plan was previously assigned BLM case file number UTU-88441. As agreed during an interagency on-site inspection on November 13, 2013, your Plan will be retained in draft form pending results from your exploration Notice.

Your Notice proposes the extraction of 3-foot by 3-foot blocks from an initial area of 100-feet by 100-feet. The Notice includes approximately 2 acres of already created surface disturbance, an area cleared of vegetation, on Federal land administered by this office. The cleared area has adequate earthwork but requires revegetation. As stated in 43 CFR §3809.301, the BLM does

not require that the Notice be on a particular form, and therefore the submitted form is an acceptable format.

Amount of Financial Guarantee – This office has calculated a cost estimate, and consulted with UDOGM to update the financial guarantee; BLM has determined that the amount of \$14,600 is sufficient to meet all anticipated reclamation requirements. The amount of the reclamation cost estimate was based on the operator complying with all applicable operating and reclamation requirements.

BLM's decision concerning the amount of the required financial guarantee does not relieve you, the operator, of your responsibility to be in compliance with all applicable Federal, State and local laws and regulations, and to obtain all applicable Federal, State and local authorizations and permits. You are responsible for preventing any unnecessary or undue degradation of public lands and resources, and for reclaiming all lands disturbed by your operations.

Required Financial Guarantee – A financial guarantee for the total amount of \$14,600.00 must be filed and accepted by the UDOGM or the Utah State Office of the BLM, PO Box 45155, Salt Lake City, Utah 84145-0155. You must receive written notification from that office accepting and obligating your financial guarantee before you may continue surface disturbing operations.

The types of financial instruments that are acceptable to the BLM are found at 43 CFR 3809.555. Please contact Rita Stelmach or Opie Abeyta, Land Law Examiners at the BLM Utah State Office, at (801) 539-4121 and (801) 539-4123 respectively for further information on the adjudication of financial guarantees.

This decision does not constitute certification of ownership to any entity named in the Notice, recognition of the validity of any associated mining claims; or recognition of the economic feasibility of the proposed operations.

Appeal of the Decision Determining the Required Financial Guarantee Amount - If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may request that the BLM Utah State Director review this decision. If you request a State Director review, the request must be received in the BLM Utah State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a Stay is granted by the State Director. Standards for obtaining a Stay are given below. If you request a Stay, you have the burden of proof to demonstrate that a Stay should be granted.

If the State Director does not make a decision concerning your request for review of this decision within 21 days of BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM Utah State Office to determine when BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below). If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must

be filed in the Fillmore Field Office (FFO) at 95 East 500 North, Fillmore, Utah 84631 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 for a Stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a Stay must accompany your notice of appeal. A petition for a Stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a Stay must also be submitted to each party named in the decision, to the IBLA, and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a Stay, you have the burden of proof to demonstrate that a Stay should be granted.

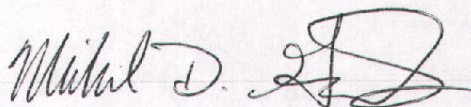
Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a Stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the Stay is not granted, and
4. Whether the public interest favors granting the Stay.

If you have any questions, please contact Duane Bays, BLM FFO Natural Resource Specialist, at (435) 743-3115.

Sincerely,



Michael D. Gates
Field Manager

Enclosure: Form 1842-1
Form 3809-5

cc:
Wayne Western
UDOGM
1594 W North Temple Ste 1210
Salt Lake City, UT 84114

Utah State Office/ BLM
440 West 200 South, Suite 500
Salt Lake City, UT 84101-1345